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10/562,509	12/28/2005	Bartel Marinus Van De Sluis	US030219	7965
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EXAMINER				
DARNO, PATRICK A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,509

Applicant(s)

VAN DE SLUIS ET AL.

Examiner

PATRICK A. DARNO

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 13 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 1228205.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are pending in this office action.

Claim Objections

2. Claims 13 and 19 are objected to because of the following informalities:
 - With respect to claim 13, the claim is objected to because the phrase "at least one of a data and time". It appears that there is simply a typographical error in this phrase. For purposes of examination, the Examiner assumed that the word "data" was supposed to be "date." Appropriate clarification or correction is required.
 - With respect to claim 19, the claim is object to because claim 19 is said to depend on "[t]he method of Claim 19..." After analyzing the claims, it appears that claim 19 should depend on claim 18, and that the existing language simply contains a typographical error. For purposes of examination, the Examiner assumed that claim 19 is intended to depend on claim 18. Appropriate clarification or correction is required.

Specification Objections

3. The disclosure is objected to because of the following informalities:
 - Paragraph [0004], lines 16-19 of the Applicant's published specification (pg. 1, two lines from the bottom in Applicant's unpublished version of the specification) makes a reference to a U.S. Patent when describing the known, relevant, prior art. However, the U.S. Patent number was not given for the referenced patent. In order to overcome this objection to the specification, the Applicant must either

amend the specification to include the patent number that was referenced or
amend the specification such that it does no longer contains a reference to the
subject matter of the referenced patent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application Publication Number 2002/0143762 issued to David W. Boyd et al.

(hereinafter “Boyd”).

Claim 1:

Boyd discloses a system for organizing and retrieving digital images (*Boyd: paragraph [0003], lines 1-3*), comprising:

a first database for storing first data and digital image data (*Boyd: paragraph [0010], lines 7-17*;

Note that the first database for storing first data (metadata comprising time information, date information, location information, GPS information, etc.) and the actual digital images is located on the digital camera itself);

a second database for storing second data (*Boyd: paragraph [0011] and paragraph [0012], lines 1-2 and paragraph [0020]*; *The second database is the database on a computer remote to the camera. And the data in this second database is second data.*); and

a processor for searching the second data based on the first data, and storing the second data associated with the first data (*Boyd: paragraphs [0013], [0014], [0020] and paragraph [0021], lines 1-3*).

Claim 2:

Boyd discloses all the elements of claim 1, as noted above, and Boyd further discloses wherein a search of the digital image data can be conducted based on the associated second data (*Boyd: paragraphs [0013], [0014], [0020] and paragraph [0021], lines 1-3; Note paragraph [0020], lines 4-5 which states that "[t]he query may include criteria for any field associated with the photographs."*).

Claim 3:

Boyd discloses all the elements of claim 2, as noted above, and Boyd further discloses wherein the first data includes a date that the digital image data was originally captured (*Boyd: paragraph [0013], lines 1-10; Specifically note: "Time and date meta-data may be associated with each photograph."*), and the second data includes at least one occasion (*Boyd: paragraph [0014]; Specifically note that the user can search the second data in the second database for an occasion such as "Christmas."*) and a date of the at least occasion (*Boyd: paragraph [0014]; Finally note that the user can search the second data of the second database for the date of an occasion such as "Christmas [of] 2000."*).

Claim 4:

Boyd discloses all the elements of claim 2, as noted above, and Boyd further discloses wherein the first data includes positioning system coordinates where the digital image data was originally captured (*Boyd: paragraph [0013], lines 1-7*), and the second data includes at least one location name (*Boyd: paragraph [0014]; Note that the second data is searched for the location "Hawaii."*) and the position system coordinates of the at least one location name (*Boyd: paragraph [0020]; Note that the second data can be searched with location information such as GPS coordinates.*).

Claim 5:

Boyd discloses all the elements of claim 1, as noted above, and Boyd further discloses wherein the second database is located at a location remote from the first database (*Boyd: paragraphs [0010], [0012], and [0020]; As noted above, the "first database" is on the camera, and the "second database" is database on the computer system. Note that the database inside the camera is remote from the database inside the computer system.*).

Claim 6:

Boyd discloses all the elements of claim 5, as noted above, and Boyd further discloses wherein the Internet connects the first and second databases (*Boyd: paragraphs [0022] and [0012]; Paragraph [0022] expressly shows wherein "code segments can be downloaded via the internet." Paragraph [0012] shows specifically wherein the photographs are "downloaded" from the camera to the computer system. This appears to show where the first database (camera database) and the second database (computer system database) are connected via the Internet.*).

Claim 7:

Boyd discloses a system for organizing and retrieving digital images using global positioning system coordinates (*Boyd: paragraph [0003], lines 1-3 and paragraph [0013], lines 1-10 and paragraph [0014]*), comprising:

a digital camera having a positioning system receiver for capturing a digital image (*Boyd: paragraph [0010], lines 7-15*);

a first database storing the digital image data along with positioning system coordinates of the location where the image was taken (*Boyd: paragraph [0010], lines 15-17; The first database is where the GPS coordinates are originally stored.*);

a second database for storing positioning system coordinates information and associated location names of a plurality of locations (*Boyd: paragraph [0010], lines 17-21; The database mentioned in paragraph [0010], lines 17-21 is the second database.*); and

a processor for determining the positioning system coordinates of the digital image stored in the first database, searching the second database for matching positioning system coordinates, and if a match is found storing the location name with the digital image data in the first database (*Boyd: paragraph [0010], lines 21-25; It appears the GPS coordinates gathered in the first database are "bounced off of" the database GPS values identifying actual locations.*).

Claim 8:

Boyd discloses all the elements of claim 7, as noted above, and Boyd further discloses wherein a search of the digital images is conducted on the basis of the location name (*Boyd: paragraph [0014]; Search is carried out on the location name "Hawaii."*).

Claim 9:

Boyd discloses all the elements of claim 8, as noted above, and Boyd further discloses wherein at least one of a date and a time when the image was captured is stored in the first database with the digital image data (*Boyd: paragraph [0014] and paragraph [0020], lines 14-16; Search is carried out on limitation of "Christmas 2000." Specifying the year limitation of 2000 is a date restriction. Furthermore, Christmas of 2000 is known to be December 25. Also note paragraph [0020], lines 14-16.*).

Claim 10:

Boyd discloses all the elements of claim 9, as noted above, and Boyd further discloses a third database for storing at least one occasion (*Boyd: paragraph [0014]*) and a date of the at least one occasion (*Boyd: paragraph [0020], lines 14-16 and paragraph [0014]*).

Claim 13:

Boyd discloses all the elements of claim 9, as noted above, and Boyd further discloses a fourth database for storing second digital image data containing positioning system coordinate information (*Boyd: paragraph [0013], lines 1-7 and paragraph [0020], lines 1-9*) and at least one of a date and time the second digital image was captured, the second digital image being captured by another (*Boyd: paragraph [0013], lines 8-10 and paragraph [0020], lines 14-16*),

wherein a search is conducted of the fourth database based on at least one of the date and time stored in the first database (*Boyd: paragraph [0020], lines 14-16*).

Claim 14:

Claim 14 is rejected under the same reasons set forth in the rejection of claim 7.

Claim 15:

Claim 15 is rejected under the same reasons set forth in the rejection of claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-12, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd and further in view of Non-Patent Literature titled “Augmented Album: Situation-dependent System for a Personal Video/Image Collection” authored by K. Priyantha Hewagamage et al. (hereinafter “Hewagamage”).

Claim 16:

Boyd discloses all the elements of claim 15, as noted above, and Boyd further discloses the steps of:

determining the date of the digital image stored in the first database (*Boyd: paragraph [0010], lines 12-15*);

searching the second database for a matching date (*Boyd: paragraph [0014] and paragraph [0020], lines 14-16*).

However, Boyd does not expressly disclose if a match is found, storing in the first database the occasion with the digital image data.

However, Hewagamage discloses if a match is found, storing in the first database the occasion with the digital camera (*Hewagamage: pg. 324, column 2, lines 15-24*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boyd with the teachings of Hewagamage noted above. The skilled artisan would have been motivated to improve the teachings of Boyd per the above in order to simplify the content-based analysis of multimedia data sources (*Hewagamage: pg. 326, column 2, lines 14-18*).

Claim 11:

Claim 11 is rejected under the same reasons set forth in the rejection of claim 16.

Claim 12:

The combination of Boyd and Hewagamage discloses all the elements of claim 11, as noted above, and Boyd further discloses wherein the location name and occasion are used as sorting parameters for the associated digital images (*Boyd: paragraphs [0016] – [0017] and paragraphs*

[0020] – [0021]; Note that the user queries the database to create groups digital images and identifies the groups with labels. This process of creating groups is equivalent to sorting the digital images. And paragraph [0020] lists some of the parameters in order to generate the groups.).

Claim 17:

The combination of Boyd and Hewagamage discloses all the elements of claim 16, as noted above, and Boyd further discloses the step of storing in a third database images (Boyd: paragraph [0021], lines 1-5; At least the images of a thumbnail of the image is stored in the database.) taken by another along with positioning system coordinate information (Boyd: paragraphs [0013], lines 3-7 and paragraph [0020], lines 4-9) and at least one of a data and a time stamp (Boyd: paragraphs [0013], lines 8-10 and [0020], lines 14-16).

Claim 18:

The combination of Boyd and Hewagamage discloses all the elements of claim 17, as noted above, and Boyd further discloses the step of searching the third database to retrieve images having at least one of a matching positioning system coordinates (Boyd: paragraph [0020], lines 1-9), date and time (Boyd: paragraph [0020], lines 14-16).

Claim 19:

The combination of Boyd and Hewagamage discloses all the elements of claim 18, as noted above, and Boyd further discloses wherein the third database is located at a location remote from the first database (Boyd: paragraphs [0010], [0012], and [0020]; It appears that the Boyd reference can be interpreted such that the “first database” is on the camera and is disclosed at Boyd: paragraph [0010], lines 12-15, the “second database” is also on the camera and is disclosed at Boyd: paragraph [0010], lines 17-21, and finally the “third database” can be the database stored on the computer system and is disclosed at Boyd:

paragraph [0011] and paragraph [0012], lines 1-2 and paragraph [0020]. Note that the “first database” inside the camera is remote from the “third database” inside the computer system.).

Claim 21:

The combination of Boyd and Hewagamage discloses all the elements of claim 15, as noted above, and Boyd further discloses the steps of:

determining digital images having dates within a first preset range and having positioning system coordinate information within the second preset range (*Boyd: paragraph [0020]*); and

labeling the determined images with a location label and an occasion label corresponding to the date range and positioning system coordinate information range (*Boyd: paragraphs [0016] – [0018] and paragraph [0020] – [0021]*).

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Hewagamage and further in view of U.S. Patent Application Number 2005/0010602 issued to Alexander C. Loui et al. (hereinafter “Loui”).

Claim 20:

The combination of Boyd and Hewagamage discloses all the elements of claim 19, as noted above, but the previously mentioned combination does not expressly disclose wherein a fee is charged for retrieving the digital image stored in the third database.

However, Loui discloses wherein a fee is charged for retrieving the digital image stored in the third database (*Loui: paragraph [0031], lines 3-5*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Loui noted

above for the purpose of retrieving a digital image stored in a database (*Loui: paragraph [0031], lines 5-6*). The Examiner asserts that the results of modifying the previously mentioned combination with the teachings of Loui noted above would have been predictable. Such results would simply be a database management system which would limit access to images stored in a database to those users paying a fee. It is also noted that Loui expressly notes that such a system is "well understood by those skilled in the art" (*Loui: paragraph [0031], lines 6-7*).

Examiner Notes

- The Examiner notes for the record that a rejection under 35 U.S.C. 101 was considered with respect to system claim 1 in the instant application. However, after consulting the Applicant's specification, it appears that the "processor" claimed in claim 1 is at minimum a combination of hardware and software. The Examiner made this determination not based upon any single passage, but in light of the overall context of the terms use in the Applicant's specification. If it is discovered during the course of further prosecution that the claimed "processor" is intended to be directed to anything less than a combination of hardware and software (i.e., solely software), a rejection under 35 U.S.C. 101 would be revisited and system claim 1 would be re-evaluated to determine if the claim was directed to software, per se.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vincent F. Boccio/
Primary Examiner, Art Unit 2169

/Patrick A. Darno/
Examiner
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09-20-2008

PAD